

REMARKS

This is in response to the Office Action of March 18, 2010. Claims 1-3, 5-8, 29, and 30 are pending in the application. Claim 1 is amended to specify “R² is a group having at least one hydroxyl group or alkoxy group having 1 to 6 carbon atoms, wherein said hydroxyl group or alkoxy group is bonded to a silicon atom in the formula (1) directly or via an alkylenesilyl group.” This amendment is based upon Synthesis Examples 1-4 in the specification along with such disclosure as that in the first paragraph on page 7 of the specification (“R² is an organic group having at least one substituent group selected from a hydroxyl group and alkoxy groups having 1 to 6 carbons atoms The substituent group may be bonded to a silicon atom in the organopolysiloxane of the formula (1) directly or via ... an alkylenesilyl group”). Also, the term “free” is deleted from claim 1, partially reversing a previous amendment of the claim. No new subject matter is introduced into the application by this Amendment.

Rejection under 35 U.S.C. § 112

It is pointed out that the designation “free” organopolysiloxane means that the organopolysiloxane contains reactive groups such as hydroxyl groups or alkoxy groups bonded to a silicon atom in the formula (1) directly or via an alkylenesilyl group, and that these reactive groups are in a free form and not reacted with or bound to other substances, such as inorganic powders. This is apparent from Synthesis Examples 1-4 and Examples 1-5 in Applicants’ specification. Thus, these reactive groups can react with hair.

Claims 1-3, 5-8, 29, and 30 were rejected under the first paragraph of 35 U.S.C. § 112. The Examiner contended that “Applicant has no support in the specification for a free organopolysiloxane.” It is respectfully submitted that claim 1 as amended hereinabove is in compliance with the ‘written description’ requirement of the statute. Accordingly, this ground of rejection has been obviated.

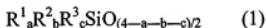
Rejections under 35 U.S.C. § 103

Claims 1-3, 29, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US 4,183,366 (Bartuska) in view of US 2003/0185771 A1 (Kamei). Office Action, pages 3-6.

Claims 5-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bartuska and Kamei in view of GB 2 138 845 (Nomura). Office Action, pages 6-7. The rejections are respectfully traversed.

Bartuska teaches a henna-based coloring and/or hair conditioning composition comprising a henna powder as an essential component. However, Bartuska does not teach or suggest inclusion of the organopolysiloxane of formula (1) required by the present invention in such compositions.

Kamei teaches a powder composition for cosmetics comprising a silicone represented by the formula



wherein R^2 is a substituent having one or more alcoholic hydroxyl groups. The Kamei reference does not disclose a silicone that contains a reactive group such as a hydroxyl group or an alkoxy group bonded to a silicon atom.

Thus, the silicone disclosed in Kamei differs significantly from the organopolysiloxane required in the present invention – because the alcoholic hydroxyl groups contained in the Kamei silicone are significantly different from the hydroxyl groups directly bonded to silicon atoms (that is, silanol groups) in the organopolysiloxanes recited in present claim 1.

Applicants' invention (entitled ORGANOPOLYSILOXANE HAIR TREATMENT AGENT AND HAIR COSMETIC CONTAINING THE TREATMENT AGENT) – by virtue of its organopolysiloxane of formula (1) as defined in Applicants' claims – provides superior durability when used on hair as compared to an otherwise similar composition comprising the Kamei silicone.

It is manifest that the combination of Bartuska and Kamei (and Nomura) does not provide the hair treatment composition required by present claims 1-3, 5-8, and 29. The hair treatment of claim 30 – which consists essentially of an organic solvent and a free organopolysiloxane dispersed or dissolved in an organic solvent – is even further removed from the cited prior art, because the compositions thereof contain powders as essential ingredients.

Withdrawal of the rejections of record is in order and is earnestly solicited.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard Gallagher, Registration No. 28781, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By 
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